

IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.*
State Engineer,

Plaintiff,
v.

ROMAN ARAGON, *et al.*,
Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM
Section 5, Rio Gallina
Subfile No.: CHGA-002-0006A

NOTICE AND ORDER TO SHOW CAUSE

To: HENRY L JACQUEZ
1110 MAEZ RD
SANTA FE NM 87501

Subfile No.: CHGA-002-0006A

Ditch or Acequia

Gonzales/Gurule Ditch
Emilio Jacquez Ditch

Priority Dates

You are hereby notified that the Court has entered an order requiring you to file an objection if you disagree with the State's proposed determination of the priority date of your water right or ditch, or the priority date for any other community or private ditch in Section 5 (Rio Gallina). The priority dates proposed for these ditches are:

| | |
|-----------------------|------|
| Vigiles Ditch | 1876 |
| Rincon Ditch | 1876 |
| Placitas Ditch | 1876 |
| Sanchez-Maestas Ditch | 1876 |

| | |
|------------------------|------|
| Cordova-Martinez Ditch | 1878 |
| Gonzales-Gurule Ditch | 1878 |
| Cecilia Ditch | 1878 |
| Valdez Ditch | 1878 |
| Emilio Jacquez Ditch | 1902 |

These priority dates described above will apply to all individual irrigation water rights served by the ditches listed, unless individual water rights holders file objections.

Irrigation Water Requirements

In addition, you are hereby notified that the Court has entered an order requiring you to file an objection with the Court if you disagree with the State's proposed determination of the the irrigation water requirements for surface water irrigation use in Section 5 (Rio Gallina) as described below:

- a. The weighted consumptive irrigation requirements (CIR) is 1.38 acre-feet per acre per annum.
- b. The farm delivery requirement (FDR) is 3.46 acre-feet per acre per annum.
- c. The project diversion requirement (PDR) is 5.77 acre-feet per acre per annum.

The term "Consumptive Irrigation Requirement" (CIR) refers to the quantity of water, expressed in acre-feet per year, exclusive of effective precipitation, that is consumptively used by plants or is evaporated from the soil surface during one calendar year. The term "Farm Delivery Requirement" (FDR) refers to the quantity of water expressed in acre-feet per acre per year, exclusive of effective precipitation, delivered to the farm headgate or which is diverted from a source of water which originates on the farm itself, such as a well or spring, necessary to satisfy the consumptive irrigation requirements of crops grown on a farm in one calendar year. The

“Project Diversion Requirement” (PDR) or off-farm diversion requirement is defined as the quantity of water, exclusive of effective precipitation, which is diverted from the stream or an off-farm source to satisfy the farm delivery requirement for one calendar year. The irrigation water requirements set forth above do not include diversion requirements associated with stockponds or other impoundments determined to have valid water rights in these proceedings.

If you agree with the priority dates and irrigation water requirements described above, you do not need to take any action, and the Court will enter an order that recognizes the elements of your water rights and the water rights of other surface water users in Section 5 as described above. If you disagree, you must follow the instructions below.

This will be your only opportunity in these proceedings to object to the determination of priority dates or irrigation water requirements in Section 5. Subsequent *inter se* proceedings in Section 5 will not include the opportunity to object to those determinations

IT IS THEREFORE ORDERED THAT if you object to any of the priority dates stated above, or to the irrigation water requirements for surface water irrigation use in Section 5 as stated above, you must file the form entitled Objection and Response to Notice and Order to Show Cause with the Court, in person or by mail FOR RECEIPT NO LATER THAN DECEMBER 31, 2007:

United States District Court Clerk
120 South Federal Place
Santa Fe, NM 87501

If you timely file an objection the Special Master will notify you of a mandatory scheduling and pretrial conference, where you will learn how objections will be heard by the Court. This will be your only opportunity to object to these elements of your water rights or any other water rights. If you fail to timely object and to attend the scheduling and pretrial conference you may not raise objections in the future.

If you have any questions, call or write:

Edward G. Newville
Special Assistant Attorney General
Office of the State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 867-7444 phone
(505) 867-2299 facsimile

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Attorney for Gallina-Capulin Acequia
Association and Section 5 Acequias
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El Prado, NM 87529-1574
(505) 758-2203 phone
(505) 758-5129 facsimile

Brice D Black

BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Approved:

/electronic signature/
VICKIE L. GABIN
SPECIAL MASTER